

REMARKS

Claims 1-20 are now in the application. By this Response, claim 9 has been amended. Support for the amendment to claim 9 is found at least at page 6, lines 20-27, of Applicants' disclosure. Claims 1-8, 10, 11, and 13-20 have been withdrawn by the Examiner. Applicants respectfully request that claim 10 be rejoined upon the allowance of claims 9 and 12. Claims 1-8, 11, and 13-20 may be canceled upon the allowance of claims 9 and 12. No new matter has been added.

The SB/08 forms attached to the March 17, 2009 Office Action indicated that Citations CA and CG have not been considered because they are not in the English language. Applicants respectfully submit that these Citations comply with formal requirements and should be considered by the Examiner. Specifically, 37 C.F.R. 1.98 (a) (3)(ii) sets forth that an English-language translation be submitted if it is within the possession, custody, or control of, or is readily available to Applicants. Otherwise, as set forth in 37 C.F.R. 1.98 (a) (3)(i), a concise explanation of the relevance, may be submitted for each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from Applicants' specification or incorporated therein.

Applicants provided a concise explanation of relevance on page 2 of the Information Disclosure Statement that was filed on July 26, 2006. Specifically, Applicants noted that Citation CA is mentioned on page 1, lines 9-14 of the specification and Citation CG is mentioned on page 1, lines 26-34 of the specification.

Applicants respectfully request that the Citations listed on enclosed form SB/08, which is submitted with an Information Disclosure Statement filed concurrently herewith, be considered and listed on the face of any Patent issuing from this application.

Claims 9 and 12 have been rejected under 35 U.S.C. §112, first paragraph, because the specification is not considered enabling for the entire scope of the recited ionic liquids.

Claim 9 has been amended to recite the preferred embodiments of imidazolium cations taught at page 6, lines 20-27, of Applicants' disclosure. Applicants respectfully submit that the application is enabling for at least these preferred embodiments. Claim 12 has been rejected merely for its dependence on claim 9.

Claims 9 and 12 have been rejected under 35 U.S.C. §102(b) as being unpatentable over the conference presentation "Novel Orthoborate Ionic Liquids," presented at the 202nd Meeting of the Electrochemical Society, October 20-25, 2002, by Wu et al. (hereinafter "Wu").

Wu suggests, at the left column, third paragraph, orthoborate ionic liquids, comprising different orthoborate anions such as bis(oxalate)borate, bis(malonato)borate, bis(salicylocato)borate and bis(2-hydroxyisobutyrate)borate, in connection with different cations chosen from 1-butyl-S-methyl-imidazolium, n-butylpyridinium, n-methyl - n-butyl-pyrrolidinium and methoxymethylendimethylethylammonium.

In contrast to Wu, claim 9, as amended, recites an ionic liquid of general formula $[Q^+][BR'n(OR'')m^-]$ where $[Q^+]$ is 1,3-dimethylimidazolium, 1-ethyl-3-methylimidazolium, 1-methyl-3-propylimidazolium, 1-isopropyl-3-methylimidazolium, 1-methyl-3-pentylimidazolium, 1-hexyl-3-methylimidazolium, 1-heptyl-3-methylimidazolium, 1-methyl-3-octylimidazolium, 1-decyl-3-methylimidazolium, 1-methyl-3-benzylimidazolium, 1-methyl-3-(3-phenylpropyl)imidazolium, 1-(2-ethyl)hexyl-3-methylimidazolium, 1-methyl-3-nonylimidazolium, 1-methyl-3-decylimidazolium, 1,2,3-trimethylimidazolium, 1-ethyl-2,3-dimethylimidazolium, or 1-butyl-2,3-dimethylimidazolium, and $n = 1, 2, 3$ and $m = 4 - n$, where R' and R'' are each selected independently from the group consisting of hydrogen, C₁-C₁₈-alkyl, C₆-C₁₂-aryl, C₅-C₁₂-cycloalkyl. Based on the definition that n is chosen from 1, 2, and 3, at least one radical R' is present in the borate, which is the anion of the ionic liquid according to amended claim 9.

Wu fails to suggest orthoborate ionic liquids, comprising borate anions, in which carbon comprising ligands are attached to the boron-atom via a carbon atom, because in the anions

disclosed in Wu the ligands are always attached via an oxygen-atom. In addition, Wu fails to suggest the imidazolium cations recited in claim 9.

Thus, the ionic liquid according to amended claim 9 of the present application is not suggested in Wu.

As noted above, the ionic liquids recited in claim 9 differ from the ones which are suggested in Wu in both ions, i.e., different cations and different anions are present in an ionic liquids according to amended claim 9.

Moreover, Wu suggests that ligands are always attached to the boron atom via at least one oxygen atom, but Wu fails to suggest that at least one radical R' is attached to the boron atom directly via a carbon atom, as it is the case for an ionic liquid in accordance with claim 9.

Claim 12 is in condition for allowance for at least its dependence on an allowable claim 9, as well as for the separately patentable subject matter recited therein.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Amendment dated June 17, 2009
Reply to Office Action of March 17, 2009

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Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 13156-00067-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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